

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JUAN VILLARREAL,

Petitioner,

VS.

WILLIAM STEPHENS,

Respondent.

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CIVIL ACTION NO. 2:13-CV-5

**ORDER ADOPTING
MEMORANDUM AND RECOMMENDATION
TO DENY PETITIONER'S RULE 60(b) MOTION
FOR RELIEF FROM JUDGMENT**

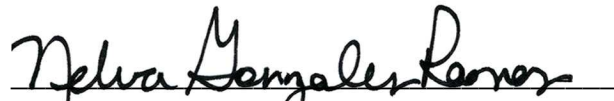
Pending before the Court is Petitioner's "Motion for Rule 60(b) Fed. R. Civ. Proc." (D.E. 25). On February 26, 2014, United States Magistrate Judge Jason B. Libby issued a Memorandum and Recommendation (D.E. 26), recommending that Petitioner's motion be denied. Petitioner filed his objections (D.E. 28) on March 19, 2014.

The Magistrate Judge recommended denial of the Petitioner's motion because Petitioner failed to supply a basis for determining that the judgment was in error. Petitioner's objection is an explanation that he did not supply a substantive basis for his challenge because he did not want his motion to be construed as a second or successive § 2254 petition for writ of habeas corpus. Instead, he simply suggests that the previous ruling was in error and appeals to the equitable power of the Court for a different result. The objection is **OVERRULED**.

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's Memorandum and Recommendation, as well as

Petitioner's objections, and all other relevant documents in the record, and having made a *de novo* disposition of the portions of the Magistrate Judge's Memorandum and Recommendation to which objections were specifically directed, the Court **OVERRULES** Petitioner's objections and **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, Petitioner's "Motion for Rule 60(b) Fed. R. Civ. Proc." (D.E. 25) is **DENIED**.

ORDERED this 27th day of March, 2014.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE